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and for other purposes introduced by Mr. WILLIAMS of Delaware (for himself and Senators BRIGGS, ALBRT, MANSFIELD, DWYER, S. JAVINS, and KEATING) on March 12, 1959.

JUDICIAL REVIEW OF EMPLOYEE DISCHARGE CASES

Mr. KEATING. Mr. President, I introduce for appropriate reference a bill to provide procedures for judicial review of removals, suspensions and terminations of Federal employees.

Under the law today of Government employees, if he goes to the district court in the circuit where he works for review or reinstatement of his employment in my opinion, the people who are scattered all over the country should not be forced to travel all the way to Washington to argue their cases. My bill would give all Federal district courts jurisdiction to review decisions involving employees residing in that particular district.

The bill is designed to correct another glaring defect in the procedure for reviewing discharges of Government employees. At present, an uncharged employee, who has reason to believe his discharge was unjust, must go to the district court to have a determination of whether his case is reinstated, but that court cannot award him back pay even if it finds the discharge unjust. The employee must then separately suit for back pay in the Court of Claims. That law meant duplication of time and expense not only to the employee but to the Government. And since each case is bound by the decision of the other, inconsistent results have been a constant headache.

My bill would remedy this situation by giving the Federal district court jurisdiction to consider both reinstatement and the claim for back pay all in one action.

The bill would also encourage the Courts to set up a Board of Super Civil, Executive Commission, or whatever the function of the Federal Courts to prosecute the suitability of the conduct of an employee for a particular position. These have in the past been left to the discretion of the individual agency heads. The bill would alter that situation.

This bill is also designed to eliminate procedures which already exist in some of the Federal agencies for review and correction of administrative errors. But it is felt that the administration of the courts would be more effective in this matter than the existing administrative agencies which are under control of the executive branch of the Government.

Mr. PRESIDING OFFICER. I call the title of the bill to the floor following my remarks in the Senate.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill is designed to amend title 28 of the United States Code to provide for certain judicial review of administrative removals and suspensions of Federal employees introduced by Mr. KEATING, as

received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (1) chapter 25 of title 28 of the United States Code is amended by adding at the end thereof the following:

§ 1331 Removal and suspension of Federal employees

"The district courts of the United States, the District Court for the Territory of Alaska, the United States District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands shall have jurisdiction on appeals of civil employees in the executive branch of the Federal Government: (1) for reinstatement or restoration to office following final action by the appropriate administrative authority for the removal or suspension without pay from the service; or (2) concurrently with the Court of Claims for compensation as provided by law for the period of such removal or suspension, or (3) for both such reinstatement or restoration and compensation.

"Any such appeal shall be filed within sixty days after the date of the final administrative action in that court within the jurisdiction of which the employee is employed or in the District Court for the District of Columbia.

Action for such appeal may be brought against the appropriate officer or agency of the United States and service of process upon such officer or agency may be made at any place in the United States.

"The administrative record of the case, except for matters which are privileged or confidential, shall be filed with the court by the officer or agency concerned.

"The decision of any such court shall be subject to review as provided for such court in this title.

Nothing contained in this section shall affect the scope of review of any court in actions under this section."

BILL FOR JUDICIAL REVIEW OF DECISIONS OF VETERANS' ADMINISTRATION

Mr. KEATING. Mr. President, I introduce, for appropriate reference, a bill to permit judicial review of decisions of the Administrator of Veterans' Affairs.

Under the present law, judicial review of such decisions is denied on the ground that the benefits accorded to veterans under various Federal laws are mere bounties or gifts. I do not accept that theory. The benefits are aid veterans, many of whom have placed their lives in jeopardy in the service of their country, should not be regarded as a matter of unimportance. It is true, of course, that the granting or withholding of such benefits is a matter within the discretion of Congress itself, but it does not follow from this that the administration of these benefits should be left to the unchallengeable discretion of any Government bureau.

The proceedings for judicial review under this bill parallel those applicable to the review of other administrative agency determinations. They are designed to afford expeditious judicial consideration of decisions of the Veterans' Administration without overburdening

the courts with the necessity for rehearing the evidence presented.

The very least we can do for our veterans is to give them a day in court when they become involved in controversies with Government agencies.

This bill should receive early consideration in the Senate.

Mr. President, I ask unanimous consent that the text of the bill be printed following my remarks in the House.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 1490) to permit judicial review of decisions of the Administrator of Veterans' Affairs, introduced by Mr. KEATING, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, any person aggrieved by any final decision of the Administrator of Veterans' Affairs (hereinafter referred to as the "Administrator") which has been rendered by the Board of Veterans' Appeals, may obtain a review thereof by filing a petition for review in the court of appeals for the circuit in which the petitioner resides or in the Court of Appeals for the District of Columbia within thirty days after the mailing of notice of the decision to the aggrieved party. A copy of such petition shall forthwith be served upon the Administrator. Within fifteen days after the receipt of service, or within such additional time as the court may allow, the Administrator shall certify and file with the court a transcript of the record upon which the decision complained of was based. Upon the filing of such transcript the court shall have exclusive jurisdiction to review the decision and to affirm, modify, or reverse it in whole or in part. The findings of the Administrator as to the facts, if supported by substantial evidence, shall be conclusive. If any party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for failure to adduce such evidence in the proceedings before the Administrator, the court may order such additional evidence to be taken before the Administrator upon such terms and conditions as the court may deem proper. The Administrator may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken. He shall file with the court a transcript of the additional record when his modified or new findings, which if supported by substantial evidence shall be conclusive, and his recommendation for the affirmance, modification, or reversal of the original decision. The judgment and decree of the court affirming, modifying, or reversing, in whole or in part, any decision of the Administrator shall be final, except that it shall be subject to review by the Supreme Court of the United States as provided by title 28, United States Code, section 1254.

Sec. 2. Notwithstanding any other provision of law, the court may determine to allow such reasonable fees as it may deem proper for services rendered by an attorney for any private party to the proceeding. Any person who charges or receives any compensation for such services, except such compensation as may be allowed by the court, shall be punished by a fine of not more than \$500 or imprisonment for not more than one year, or both.